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implementing the DBTL Scheme by requiring the beneficiaries to mandatorily produce the Aadhaar Card issued by the UIDAI in order to receive the subsidies in accordance with the scheme. It is respectfully submitted that the said Application was not allowed by this Hon'ble Court and it was directed to continue the Interim Order, in the meantime.

It is respectfully submitted that even after the specific and categorical directions of this Hon'ble Court, the Contemnors/ Respondents Authorities have made no amends and have continued to indiscriminately promote, register and grant the Aadhar Card as a basic right of the common man, without any proper scrutiny so as to ascertain whether the person is entitled to it or not.

It is respectfully submitted that the Contemnors/ Respondents have taken no visible or apparent steps to comply with the directions of this Hon'ble Court to check whether the persons who are voluntarily applying for Aadhar Cards are entitled for it under the Law and whether they are illegal immigrants.

It is respectfully submitted that there has been no change in the procedure and formalities for registering and grant of Aadhar Card, after the order of this Hon'ble Court dated

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23.09.2013, there is no change on the Official Website of UIDAI and to the best of the knowledge of the Petitioners, no scrutiny or checking is being employed by the Contemnors/ Respondents to check whether the persons applying for Aadhar Card are entitled for it under the Law or whether they are illegal immigrants.

It is further respectfully submitted that the Contemnors/ Respondents are also taking no steps to clarify to the unsuspecting public that Aadhar Card is not compulsory and that in terms of the directions of this Hon'ble Court, no benefit can be denied to them on account of not getting Aadhar Card. On the contrary, the Contemnors/ Respondents are indulging in actively and deliberately issuing and promoting Advertisements and practices to convince the public that having an Aadhar Card, entitles them to special status and that several government benefits/ subsidies are available only to persons who have Aadhar Cards.

It is respectfully submitted that inspite of the aforesaid order dated 23.09.2013 of this Hon'ble Court, the Contemnors/ Respondents have advertised in Newspapers at Bangalore asking people to enroll in the UID scheme to avail LPG subsidy benefits. It is respectfully submitted that vide aforesaid order dated 23.09.2013, this Hon'ble Court

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has effectively prohibited the Contemnors/ Respondents from denying any Government Welfare Benefits to anyone on the grounds that they have not enrolled in the UID scheme.

LIST OF DATES

It is submitted that the Unique Identification Authority of India (UIDAI) is an agency of the Government of India responsible for implementing the Aadhaar scheme, a unique identification project. The agency, which has no legal backing, was established in February 2009, and will own and operate the Unique Identification Number database. The agency aims to provide a unique identification number to all persons resident in India, but not identity cards. The agency will maintain a database of residents containing biometric and other data. The UIDAI is part of the Planning Commission of India.

The UID program has been criticized by many people and is considered to be real and present danger to the security of the Nation and to its people. India's Intelligence

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any basis whatsoever. For example, in PDS, the poor do not receive the rations due to lack of identity, but because of the discretion vested in lower bureaucracy, like food inspectors to decide eligibility, and political pressure to issue BPL ration cards to ineligible persons. RTI replies to the Petitioners prove that there were no fake ration cards in the State of Karnataka, but only ineligible ones, which were detected without using UID numbers. Also under wrong government policy, while lakhs of tons of food grains are damaged due to lack of storage, instead of spending money building storage, the government squanders funds on an impractical scheme. Similarly, LPG subsidy leakages are due to misuse of domestic cylinders for commercial purposes, which cash transfers to bank accounts linked to UID numbers cannot prevent. In RTI replies to the Petitioners, OMCs have admitted that they have done no analysis or investigation into how the LPG subsidies are leaked. It is not that the Contemnors/ Respondents are unaware of

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these facts. They are deliberately making false claims to mislead people and this Hon'ble Court.

It is submitted that many concerned people being aware of the threat and danger to the security of the Nation and to its people caused by the UID Program approached the Hon'ble Courts by filing PIL and put forth their views and have criticized the entire project. It is submitted that subsequently all such similar petitions were taken up for hearing by this Hon'ble Court.

23.09.2013 It is submitted that this Hon'ble Court vide its interim order' dated 23.09.2013 was pleased to pass the following order:

"In the meanwhile, no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it

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under law and it should not be given
to any illegal immigrant"

17.10.2013 &
26.11.2013

It is respectfully submitted that on 17.10.2013, Union of India, through Secretary, Ministry of Petroleum & Natural Gas filed an Application for Clarification / Modification of Order dated 23.09.2013 inter-alia praying before this Hon'ble Court to clarify or modify its order dated 23.09.2013 and permit the applicant to continue implementing the DBTL Scheme by requiring the beneficiaries to mandatorily produce the Aadhaar Card issued by the UIDAI in order to receive the subsidies in accordance with the scheme. It is respectfully submitted that the said Application was not allowed by this Hon'ble Court and it was directed to continue the Interim Order, in the meantime.

It is respectfully submitted that even after the specific and categoric directions of this Hon'ble Court, the Contemnors/ Respondents Authorities have made no

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amends and have continued to indiscriminately promote, register and grant the Aadhar Card as a basic right of the common man, without any proper scrutiny so as to ascertain whether the person is entitled to it or not.

It is respectfully submitted that the Contemnors/ Respondents have taken no visible or apparent steps to comply with the directions of this Hon'ble Court to check whether the persons who are voluntarily applying for Aadhar Cards are entitled for it under the Law and whether they are illegal immigrants.

It is respectfully submitted that there has been no change in the procedure and formalities for registering and grant of Aadhar Card, after the order of this Hon'ble Court dated 23.09.2013, there is no change on the Official Website of UIDAI and to the best of the knowledge of the Petitioners, no scrutiny or checking is being employed by the Contemnors/ Respondents to check whether the persons applying for Aadhar

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Card are entitled for it under the Law or whether they are illegal immigrants.

It is respectfully submitted that since from the actual conduct of the enrollment method and the application form used, it is clear that the Contemnors/ Respondents have not made any changes to comply with the order of this Hon'ble Court, it is humbly prayed that the Contemnors/ Respondents be asked as what steps they have taken in compliance of the order of this Hon'ble Court. The Contemnors/ Respondents are in contempt of the orders of this Hon'ble Court since they are brazenly proceeding to make enrollments as was being done prior to the order.

It is further respectfully submitted that the Contemnors/ Respondents are also taking no steps to clarify to the unsuspecting public that Aadhar Card is not compulsory and that in terms of the directions of this Hon'ble Court, no benefit can be denied to them on account of not getting Aadhar Card. On the contrary, the Contemnors/

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Respondents are indulging in actively and deliberately issuing and promoting Advertisements and practices to convince the public that having an Aadhar Card, entitles them to special status and that several government benefits / subsidies are available only to persons who have Aadhar Cards.

It is respectfully submitted that inspite of the aforesaid order dated 23.09.2013 of this Hon'ble Court, the Contemnors/ Respondents have advertised in Newspapers at Bangalore asking people to enroll in the UID scheme to avail LPG subsidy benefits. It is respectfully submitted that vide aforesaid order dated 23.09.2013, this Hon'ble Court has effectively prohibited the Contemnors/ Respondents from denying any Government Welfare Benefits to anyone on the grounds that they have not enrolled in the UID scheme.

It is respectfully submitted that the aforesaid advertisements state that to avail

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of LPG subsidy, which would be transferred to consumers' bank accounts, they would have enroll in the UID scheme and link their UID numbers to their bank accounts. The advertisements further state that those who do not enroll in the UID scheme would receive LPG cylinders at market prices.

It is most humbly and respectfully submitted that this is nothing but a devious way of trying to circumvent the aforesaid order dated 23.09.2013 of this Hon'ble Court.

03.01.2014 Therefore, the Petitioner No.2, through his Advocate, had sent a Legal Notice dated 03.01.2014 to the Contemnors/ Respondents calling upon them to immediately, within 3 days of receipt of the said Legal notice, to place advertisements of same size, colour and style to inform the public that those who do not have UID numbers will receive LPG cylinders at the subsidized price and that they would continue to receive this benefit until and

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unless there is any change in the order of this Hon'ble Court.

06.01.2014 Thereafter, on the same lines, the Petitioner No.1 had also sent a Legal Notice dated 06.01.2014 to the Contemnors/ Respondents.

It is respectfully submitted that even after the receipt of the aforesaid Legal Notice dated 06.01.2014, the Contemnors/ Respondents chose not to Reply to the said Legal Notice of Petitioner' No.1 or place clarificatory advertisements, rather they merely chose to respond to Petitioner No.2 in a completely frivolous manner, which clearly reflects willful & deliberate disobedience, violation and complete disrespect of this Hon'ble Court, on the part of the Contemnors/ Respondents.

08.01.2014 It is respectfully submitted that the Contemnor No.4/ Respondent No.4 (Bharat Petroleum Corporation Ltd.) vide their letter dated 08.01.2014' replied to the Legal Notice dated 03.01.2014 inter-alia stating

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that they had filed an Application for clarification before this Hon'ble Court wherein it is clarified that LPG Cylinders at market rate are still available to people without UID number and the UID number is needed only for seeking subsidy on supply of market price cylinders.

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It is manifest and writ large from the response itself and in the light of aforesaid facts and circumstances that the Respondents/ Contemnors are willfully and deliberately violating the aforesaid order of this Hon'ble Court thereby clearly committing contempt of this Hon'ble Court.

It is submitted that the facts and circumstances made out in the forgoing paras clearly demonstrate that the contemnors have acted in willful and deliberate disobedience and in violation of the Order 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012 and it would be in the interest of justice that the cognizance of this willful disobedience of the order of this Hon'ble

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Court is taken and the Contemnors/
Respondents are made to face the
consequences of same in accordance with
law.

23.01.2014 Hence this Contempt Petition before this
Hon'ble Court.

ITEM NO.5+56

Court No.5

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S. PUTTASWAMY (RETD) & ANR

... Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

... Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P. (C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.

Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamsbery, Adv.

Mr. Rajeev Kr. Singh, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, Adv.

Mr. Gaurav Nair, Adv.

for M/s. K.J. John & Co.

For Respondent(s) Mr. Mohan Parasaran, SG
Mr. L. Nageshwar Rao, ASG
Mr. Farrukh Rasheed, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

ORDER

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no.

1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013
are allowed in terms of the signed order.

All the matters require to be heard finally. List
all matters for final hearing after the Constitution Bench
is over.

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In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)

Court Master

(M.S. NEGI)

Court Master

(Signed order is placed on the file)

//TRUE TYPED COPY//

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IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY JURISDICTION
CONTEMPT PETITION NO. _____ OF 2014

IN
WRIT PETITION (C) No.494 OF 2012

IN THE MATTER OF:

IN CONTEMPT PETITION No. _____ OF 2014

1. Mathew Thomas
S/o late Mr. T.P. John,
R/o. No. 18 A, Adarsh Vista,
Basavanagar, Bangalore 560037,
Karnataka
2. V.K. Somashekhar,
S/o Shri V.R. Kapali,
R/a RMV Clusters, Phase II,
Block III, Flat No.102-103, RMV II Stage,
Devinagar Lottegollahalli,
Bangalore - 560094, Karnataka ... Petitioners

VERSUS

1. Mr. Vivek Rae,
Secretary,
Ministry of Petroleum & Natural Gas
A-Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi - 110001
2. Mr. Nandan Nilekani,
Chairman,
Unique Identification Authority of India
Planning Commission, Government of India
3rd Floor, Tower II, Jeevan Bharati Building
Connaught Circus, New Delhi - 110001
3. Mr. R.S. Butola,
Chairman,
Indian Oil Corporation Ltd,
Corporate Office,
3079/3, J B Tito Marg,
Sadiq Nagar, New Delhi - 110049

- 5
4. Mr. S. Varadarajan
Chairman,
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan-II, 1st Floor,
4&6, Currimbhoy Road, Ballard Estate,
Mumbai 400 001
 5. Mr. S. Roy Choudhury,
Chairman,
Hindustan Petroleum Corporation Ltd.,
Petroleum House, 17, Jamshedji Tata Road,
Mumbai, Maharashtra - 400020
... Respondents/ Contemnors

AND IN THE MATTER OF:

WRIT PETITION (C) No.494 OF 2012

IN THE MATTER OF:

1. Justice K.S. Puttaswamy (Retd)
S/o Late Suryanarayanappa
R/o No.6, Park Area, 9th Cross, Wilson Garden,
Bangalore - 560 027, Karnataka State
2. Mr. Pravesh Khanna, Advocate
S/o Late L.N. Khanna,
R/o Flat No.19, 5th Floor, Dakshineshwar,
10, Hailey Road, New Delhi - 110001
... Petitioners

VERSUS

1. Union of India,
Through Principal Secretary,
Ministry of Finance, Central Secretariat,
North Block, New Delhi
2. Planning Commission,
Government of India
Through its Secretary,
Yojana Bhawan,
Sansad Marg, New Delhi - 110001
3. Unique Identification Authority of India [UIDAI],
Through its Director,
Planning Commission, Government of India,
3rd Floor, Tower II, Jeevan Bharati Building,
Connaught Circus, New Delhi - 110001
... Respondents

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CONTEMPT PETITION UNDER ARTICLE 129 OF
THE CONSTITUTION OF INDIA FOR CONTEMPT OF
COURT'S ORDER DATED 23.09.2013 PASSED BY
THIS HON'BLE COURT IN WRIT PETITION (C)
No.494 OF 2012

TO

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED:

MOST RESPECTFULLY SHOWETH:

1. The above Contempt Petition is filed by the Petitioners for willful & deliberate disobedience and violation of the Order 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012 by the Contemnors/ Respondents, who were fully aware of the said order passed by this Hon'ble Court and are willfully acting in violation and disobedience of the said order.
2. That the Petitioners state that they have not filed any other Contempt Petition for non-compliance of the Order dated 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012.

3. The brief facts of the case are as follows:

- i) It is submitted that the Unique Identification Authority of India (UIDAI) is an agency of the Government of India responsible for implementing the Aadhaar scheme, a unique identification project. The agency, which has no legal backing, was established in February 2009, and will own and operate the Unique Identification Number database. The agency aims to provide a unique identification number to all persons resident in India, but not identity cards. The agency will maintain a database of residents containing biometric and other data. The UIDAI is part of the Planning Commission of India.
- ii) The UID program has been criticized by many people and is considered to be real and present danger to the security of the Nation and to its people. India's Intelligence Bureau claims anyone with an Aadhaar number can introduce others without any documentation to get the identity number, which makes it vulnerable to terrorism and other issues.
- iii) It is respectfully submitted that the UIDAI's method for collecting personal data is frivolous and irresponsible. Thus, he has employed, through a cavalier process of "empanelment", a large number of

private firms, as "Enrolling Agencies" (EAs). From the original list of 209 such firms, about 56 have been removed for fraud and incompetence from the list of empanelled agencies.

- iv) It is respectfully submitted that this is the extent of irresponsibility in the level of care exercised by these firms, agents of the UIDAI, in handling people's data. A number of FIRs have been filed against these firms, but the results of the police investigation are not available to public. The FIR reveals that it was not UIDAI or his registrar who detected the fraud, but a sting operation by a TV channel. The FIR also says that there are many such instances of fraud. The TV sting operation was taken as a FIR by the police.
- v) It is respectfully submitted that it has been reported that data of several lakhs of people have been "lost" in Delhi, Hyderabad and Mumbai. In reply to a RTI query, the UIDAI said that the data was not "lost", but could not be decrypted. People were simply asked to re-enroll. Either way, the UID scheme is seriously flawed.
- vi) It is respectfully submitted that there is no supervision of these enrolling agencies. There is no

check on the scanners, computers and devices like, USB drives they use. It would be very simple for anyone to steal data.

- vii) It is respectfully submitted that the Contemnors/ Respondents claim that UID would eliminate 'ghost beneficiaries' and fake ration cards and identities. This is an untested and false claim, which is without any basis whatsoever. For example, in PDS, the poor do not receive the rations due to lack of identity, but because of the discretion vested in lower bureaucracy, like food inspectors to decide eligibility, and political pressure to issue BPL ration cards to ineligible persons. RTI replies to the Petitioners prove that there were no fake ration cards in the State of Karnataka, but only ineligible ones, which were detected without using UID numbers. Also under wrong government policy, while lakhs of tons of food grains are damaged due to lack of storage, instead of spending money building storage, the government squanders funds on an impractical scheme. Similarly, LPG subsidy leakages are due to misuse of domestic cylinders for commercial purposes, which cash transfers to bank accounts linked to UID numbers cannot prevent. In RTI replies to the Petitioners, OMCs have admitted

that they have done no analysis or investigation into how the LPG subsidies are leaked. It is not that the Contemnors/ Respondents are unaware of these facts. They are deliberately making false claims to mislead people and this Hon'ble Court.

viii) It is submitted that many concerned people being aware of the threat and danger to the security of the Nation and to its people caused by the UID Program approached the Hon'ble Courts by filing PIL and put forth their views and have criticized the entire project. It is submitted that subsequently all such similar petitions were taken up for hearing by this Hon'ble Court.

ix) It is submitted that this Hon'ble Court vide its interim order dated 23.09.2013 was pleased to pass the following order:

"In the meanwhile,, no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it under law and it should not be given to any illegal immigrant"

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4. It is respectfully submitted that on 17.10.2013, Union of India, through Secretary, Ministry of Petroleum & Natural Gas filed an Application for Clarification / Modification of Order dated 23.09.2013 inter-alia praying before this Hon'ble Court to clarify or modify its order dated 23.09.2013 and permit the applicant to continue implementing the DBTL Scheme by requiring the beneficiaries to mandatorily produce the Aadhaar Card issued by the UIDAI in order to receive the subsidies in accordance with the scheme. It is respectfully submitted that the said Application was not allowed by this Hon'ble Court and it was directed to continue the Interim Order, in the meantime. True typed copy of the Application dated 17.10.2013 filed by the Union of India for clarification/modification of the order dated 23.09.2013 in Writ Petition (Civil) No.833 of 2013 before this Hon'ble Court and True typed copy of the order dated 26.11.2013 passed by this Hon'ble Court in Writ Petition (Civil) No.494 of 2012 are annexed herewith and marked as **ANNEXURE P-1** [Pages 23-45] and **ANNEXURE P-2** [Pages 46-49)

5. It is respectfully submitted that even after the specific and categoric directions of this Hon'ble Court, the

Contemnors/ Respondents Authorities have made no amends and have continued to indiscriminately promote, register and grant the Aadhar Card as a basic right of the common man, without any proper scrutiny so as to ascertain whether the person is entitled to it or not.

6. It is respectfully submitted that the Contemnors/ Respondents have taken no visible or apparent steps to comply with the directions of this Hon'ble Court to check whether the persons who are voluntarily applying for Aadhar Cards are entitled for it under the Law and whether they are illegal immigrants.
7. It is respectfully submitted that there has been no change in the procedure and formalities for registering and grant of Aadhar Card, after the order of this Hon'ble Court dated 23.09.2013, there is no change on the Official Website of UIDAI and to the best of the knowledge of the Petitioners, no scrutiny or checking is being employed by the Contemnors/ Respondents to check whether the persons applying for Aadhar Card are entitled for it under the Law or whether they are illegal immigrants.

8. It is respectfully submitted that since from the actual conduct of the enrollment method and the application form used, it is clear that the Contemnors/ Respondents have not made any changes to comply with the order of this Hon'ble Court, it is humbly prayed that the Contemnors/ Respondents be asked as what steps they have taken in compliance of the order of this Hon'ble Court. The Contemnors/ Respondents are in contempt of the orders of this Hon'ble Court since they are brazenly proceeding to make enrollments as was being done prior to the order.
9. It is further respectfully submitted that the Contemnors/ Respondents are also taking no steps to clarify to the unsuspecting public that Aadhar Card is not compulsory and that in terms of the directions of this Hon'ble Court, no benefit can be denied to them on account of not getting Aadhar Card. On the contrary, the Contemnors/ Respondents are indulging in actively and deliberately issuing and promoting Advertisements and practices to convince the public that having an Aadhar Card, entitles them to special status and that several government benefits /

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subsidies are available only to persons who have Aadhar Cards.

10. It is respectfully submitted that inspite of the aforesaid order dated 23.09.2013 of this Hon'ble Court, the Contemnors/ Respondents have advertised in Newspapers at Bangalore asking people to enroll in the UID scheme to avail LPG subsidy benefits. It is respectfully submitted that vide aforesaid order dated 23.09.2013, this Hon'ble Court has effectively prohibited the Contemnors/ Respondents from denying any Government Welfare Benefits to anyone on the grounds that they have not enrolled in the UID scheme. True typed copy of the Advertisement dated Nil advertised in Newspapers at Bangalore asking people to enroll in the UID scheme to avail LPG subsidy benefits is annexed herewith and marked as **ANNEXURE P-3** [Pages 50)

11. It is respectfully submitted that the aforesaid advertisements state that to avail of LPG subsidy, which would be transferred to consumers' bank accounts, they would have enroll in the UID scheme and link their UID numbers to their bank accounts. The advertisements further state that those who do

not enroll in the UID scheme would receive LPG cylinders at market prices.

12. It is most humbly and respectfully submitted that this is nothing but a devious way of trying to circumvent the aforesaid order dated 23.09.2013 of this Hon'ble Court.

13. Therefore, the Petitioner No.2, through his Advocate, had sent a Legal Notice dated 03.01.2014 to the Contemnors/ Respondents calling upon them to immediately, within 3 days of receipt of the said Legal notice, to place advertisements of same size, colour and style to inform the public that those who do not have UID numbers will receive LPG cylinders at the subsidized price and that they would continue to receive this benefit until and unless there is any change in the order of this Hon'ble Court. True typed copy of the Legal Notice dated 03.01.2014 sent by the Petitioner No.2 to the Contemnors/ Respondents is annexed herewith and marked as **ANNEXURE P-4**
[Pages 51-53]

14. Thereafter, on the same lines, the Petitioner No.1 had also sent a Legal Notice dated 06.01.2014 to the Contemnors/ Respondents. True typed copy of the

Legal Notice dated 06.01.2014 sent by the Petitioner No.1 to the Contemnors/ Respondents alongwith Postal Receipt are annexed herewith and marked as **ANNEXURE P-5 (COLLY)** [Pages 54-57)

15. It is respectfully submitted that even after the receipt of the aforesaid Legal Notice dated 06.01.2014, the Contemnors/ Respondents chose not to Reply to the said Legal Notice of Petitioner No.1 or place clarificatory advertisements, rather they merely chose to respond to Petitioner No.2 in a completely frivolous manner, which clearly reflects willful & deliberate disobedience, violation and complete disrespect of this Hon'ble Court, on the part of the Contemnors/ Respondents.
16. It is respectfully submitted that the Contemnor No.4/ Respondent No.4 (Bharat Petroleum Corporation Ltd.) vide their letter dated 08.01.2014 replied to the Legal Notice dated 03.01.2014 inter-alia stating that they had filed an Application for clarification before this Hon'ble Court wherein it is clarified that LPG Cylinders at market rate are still available to people without UID number and the UID number is needed only for seeking subsidy on supply of market price cylinders. True typed copy of the Reply dated

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08.01.2014 sent by the Bharat Petroleum Corporation Ltd. i.e. Contemnor No.4/ Respondent No.4 herein is annexed herewith and marked as **ANNEXURE P-6** [Pages 58-59)

17. It is manifest and writ large from the response itself and in the light of aforesaid facts and circumstances that the Respondents/ Contemnors are willfully and deliberately violating the aforesaid order of this Hon'ble Court thereby clearly committing contempt of this Hon'ble Court.
18. It is submitted that the facts and circumstances made out in the forgoing paras clearly demonstrate that the contemnors have acted in willful and deliberate disobedience and in violation of the Order 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012 and it would be in the interest of justice that the cognizance of this willful disobedience of the order of this Hon'ble Court is taken and the Contemnors/ Respondents are made to face the consequences of same in accordance with law.

PRAYER

It is, therefore, humbly prayed that this Hon'ble Court may graciously be pleased to allow this contempt petition for the

contempt of this Hon'ble Court with reference to Order 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012 and direct as under: -

- (a) award exemplary punishment to the Contemnors for deliberate and intentional non-compliance of the direction and for willful and deliberate disobedience and violation of the Order dated 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012;
- (b) ask the Contemnors/Respondents to explain steps taken to ensure compliance with the Order 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012, namely, verification of illegal immigrants before issue of UID numbers;
- (c) to direct Contemnors/Respondents to publish advertisements identical to the earlier ones, but now informing public that in terms of the interim Order dated 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012, LPG would be supplied at subsidised prices or the benefit of subsidy will be given to all persons

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without the requirement of UID number, as before;

(d) direct the Contemnors/Respondents that they should publish a retraction of the Advertisement advertised in Newspapers at Bangalore asking people to enroll in the UID scheme to avail LPG subsidy benefits [Annexure P-3], so that those who have been misled by the said advertisements are now made aware of the interim Order dated 23.09.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012; and/or

(e) pass such other or further order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS PETITIONERS, AS IN DUTY BOUND, SHALL EVER PRAY.

DRAWN & FILED BY:

DRAWN ON: 2.01.2014
FILED ON: 23.01.2014

[MS AISHWARYA BHATI]
ADVOCATE FOR THE PETITIONERS

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IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY JURISDICTION
CONTEMPT PETITION NO. _____ OF 2014
IN
WRIT PETITION (C) No.494 of 2012

IN THE MATTER OF:

IN CONTEMPT PETITION No. _____ OF 2014

Mathew Thomas & Anr. ... Petitioners

VERSUS

Mr. Vivek Rae & Ors. ... Contemnors Respondents/

AND IN THE MATTER OF:

WRIT PETITION (C) No.494 of 2012

Justice K.S. Puttaswamy (Retd) & Anr. ... Petitioners

VERSUS

Union of India & Ors. ..., Respondents

CERTIFICATE

Certified that the Contempt Petition is confined only to the pleading before the Court whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Contempt Petition. It is further certified that the copies of the documents/Annexures attached to the Contempt Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Contempt Petition for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the Petitioners/persons authorized by the Petitioners whose affidavit is filed in support of the Contempt Petition.

FILED BY:

NEW DELHI

FILED ON: 23.01.2014

[MS AISHWARYA BHATI]
ADVOCATE FOR THE PETITIONERS

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IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY JURISDICTION
CONTEMPT PETITION NO. OF 2014

IN

WRIT PETITION (C) No.494 of 2012

IN THE MATTER OF:

IN CONTEMPT PETITION No. OF 2014

Mathew Thomas & Anr. ... Petitioners

VERSUS

Mr. Vivek Rae & Ors. ... Contemnors Respondents/

AND IN THE MATTER OF:

WRIT PETITION (C) No.494 of 2012

Justice K.S. Puttaswamy (Retd) & Anr. ... Petitioners

VERSUS

Union of India & Ors. ... Respondents

AFFIDAVIT

I, Mathew Thomas, S/o Late T.P. John, R/o. No.18-A, Adarsh Vista, Basavanagar, Bangalore 560037, Karnataka State, presently at New Delhi, do hereby solemnly affirm and state on oath as under: -

1. That I am the Petitioner No.1 in the abovementioned Contempt Petition and as such I am well acquainted with the facts and circumstances of the case, hence I am competent to swear and sign this affidavit on my behalf and also on behalf of Petitioner No.2.
2. That the contents of the accompanying Contempt Petition have been drafted as per my instructions and I have read over the contents and understood the same.
3. That the Annexures enclosed with the Contempt Petition are true copies of its respective originals.

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That the contents of the present Contempt Petition are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.



DEPONENT

VERIFICATION:

Verified at New Delhi on this the 12th day of November, 2013 that contents of the aforesaid Additional Affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.



DEPONENT

Annexure P-1

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)

23

I.A. No. of 2013

in

WRIT PETITION (CIVIL) No. 833 of 2013

IN THE MATTER OF:

DT - 17-10-2013

ARUNA ROY & ANR

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

AND IN THE MATTER OF :

Union of India

Through Secretary,

Ministry Of Petroleum And Natural Gas

Shastri Bhawan,

New Delhi

Applicant

WITH

I.A. NO. ' OF 2013

APPLICATION FOR CLARIFICATION/MODIFICATION OF
ORDER DATED 23.09.2013 UNDER ARTICLE 142 OF THE
CONSTITUTION OF INDIA

[PAPER BOOK]

For Index Kindly See Inside

ADVOCATE FOR THE APPLICANT : D.S. MEHRA

INDEX

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1.	APPLICATION FOR CLARIFICATION/ MODIFICATION OF ORDER DATED 23.09.2013 UNDER ARTICLE 142 OF THE CONSTITUTION OF INDIA WITH AFFIDAVIT	1 - 2)
2.	<u>Annexure A-1</u> is the copy of order dated 23.9.2013 passed by this Hon'ble Court.	22-23

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IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

I.A. No..... of 2013

in

WRIT PETITION (CIVIL) No. 833 of 2013

IN THE MATTER OF:

ARUNA ROY & ANR

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

AND IN THE MATTER OF :

Union of India

Through Secretary,

Ministry Of Petroleum and Natural Gas

Applicant

Shastri Bhawan,

New Delhi.

APPLICATION FOR CLARIFICATION/MODIFICATION OF

ORDER DATED 23.09.2013 UNDER ARTICLE 142 OF THE

CONSTITUTION OF INDIA

To:

The Hon'ble Chief Justice of India and his companion

Justices of the Supreme Court of India

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The humble application of the
Applicant above named

MOST RESPECTFULLY SHOWETH:-

1. That the Applicant herein is the Ministry of Petroleum and Natural Gas, (MOPNG) and is filing the present application for clarification/ modification of order dated 23.9.2013.
2. That Writ Petition (Civil) No. 494 of 2012 (Justice K Puttaswamy (Retd.) v Union of India) has been filed seeking a mandamus from this Hon'ble Court restraining the Union of India, Planning Commission and the Unique Identification Authority of India (UIDAI) from issuing Aadhar Cards by way of Executive Order dated 28.01.2009.
3. That this Hon'ble Court, in its order dated 23.09.2013 was pleased to direct as follows:-

"In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it

mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

Annexed herewith and marked as Annexure A-1 (Page 22 to 23) is the copy of order dated 3.9.2013 passed by this Hon'ble Court.

4. that the above order passed by this Hon'ble Court has seriously prejudiced the effective and efficient implementation of a unique welfare scheme which is being implemented by this Ministry, namely, the Direct Benefit Transfer for Liquefied Petroleum Gas Consumers (DBTL Scheme). It is also understood that the interim order passed by this Hon'ble Court has created serious doubts and has had the effect across the country, including in the minds of several million LPG consumers in India who have already enrolled for Aadhaar, regarding the validity and usefulness of Aadhaar. The applicant states that it had introduced the DBTL Scheme on 01.06.2013 in eighteen (18) districts and the same is

currently in operation in ninety seven (97) districts across the country. The beneficiaries who have to avail of the benefits of the Scheme, as a matter of foolproof identification, are required to possess a unique identification for receiving subsidy.

5. That it may however be clarified that in so far as retail consumers of LPG cylinders are concerned, there is no mandate that they should possess the Aadhaar Card for the purpose of being provided the LPG cylinders from the Oil Marketing Companies (OMCs) at market prices. However, only in respect of those persons seeking subsidy on the supply of market price cylinders up to a ceiling of nine (9) cylinders per annum are required to mandatorily obtain an Aadhaar Card and produce the same in order to avail of the subsidy.

6. That on a close examination of the interim order passed by this Hon'ble Court, this applicant has bona fide interpreted the order of this Hon'ble Court that this Hon'ble Court would have never prevented any person or authority or a Public Sector Undertaking from insisting on

the Aadhaar Card as an identity for the purpose of providing benefits or subsidies or implementing welfare schemes.

7. That it is re-iterated that retail consumers of LPG cylinders *do not* require the Aadhar card to purchase LPG cylinders from the Oil Marketing Companies (OMCs) at market prices. Only those who are seeking subsidy on supply of market price cylinders (up to nine (9) cylinders per annum) are required to mandatorily obtain an Aadhar card and produce the same in order to avail of the subsidy in the districts where the DBTL is in force.

8. That it is respectfully submitted that Oil Marketing Companies sold around 90 crore subsidized cylinders in 2012-13 to 14 crore consumers – the subsidy burden on LPG alone was Rs.39,558 crores last year. Every household is eligible for only one subsidized connection with 9 cylinders per annum but this has proved to be most difficult to ensure and administer.

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9. That each cylinder which costs Rs.943 (in Delhi) currently carries a subsidy of Rs.555 and is sold at Rs.410.50 - this wide gap in the price at which subsidized cylinder is sold and what it really costs the OMCs leads to diversion of subsidized cylinders into the commercial market by siphoning off subsidized cylinders from genuine and ghost connections.

To stop this diversion

- Cylinders need to be sold at market price so that one cannot appropriate the price difference
- Duplicate LPG connections need to be detected and blocked.

10. That Aadhaar enables this because subsidy is transferred into the bank accounts using Aadhaar while sale happens at market price and duplicate connections can be caught when same Aadhaar number is furnished against multiple connections.

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11. That moreover, the subsidized LPG cylinders are sold under the PDS system as per clause 3 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000 and *each household is allowed only one LPG connection under the Public Distribution System*. Further, every such connection is entitled to receive only nine (9) subsidized cylinders per annum. The OMCs have to detect and prevent consumers from availing multiple benefits for which appropriate strategies have to be devised.

12. That the use of the Aadhar card in the DBTL scheme is in fact in consonance with the order of this Hon'ble Court dated 14.09.2011 in PUCL v Union of India WP(C) No. 161 of 2001 when, in the context of the Public Distribution System to reduce leakages, this Hon'ble Court was pleased to direct that computerization process under the PDS be linked with the Aadhar Registration. The relevant directions are reproduced here in below as follows:

"12. As far as possible, state governments should be directed to link the process of computerization of Component-2 with AADHAR Registration. This will help in streamlining the process of biometric collection as well as authentication. States/UTs may be encouraged to include the PDS related KYR+ field in the data collection exercise being undertaken by various Registrars across the country as part of the UID (Aadhar) enrolment."

"14. Government of India will ensure that the computerization operation is provided necessary infrastructure and financial support. This needs to be completed in a time bound manner and the institution mechanism so created shall be completely responsible for meeting the timelines. Government of India with the help of state government will ensure that the institution

has sufficient infrastructure and finances to complete the computerization in a time bound manner."

13. That the DBTL scheme, by use of the Aadhaar number, which provides a unique identification for every individual, provides a foolproof mechanism to ensure that bogus connections are detected and denied subsidy. It also ensures that the sale of LPG happens at market prices, thereby preventing diversion but simultaneously allows for genuine consumers to avail of the subsidy in their bank accounts. This effectively prevents unscrupulous elements from diverting the public resources for illegal purposes and consequently reduces the subsidy burden on the exchequer.

14. That it is respectfully submitted that the Aadhar number is the best mechanism available to determine identity of a person claiming subsidy in a foolproof and effective manner as Aadhar uses fingerprints/Iris scan which can identify an individual uniquely. Thus, no

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duplicate Aadhaar can be issued or obtained due to biometric de-duplication by UIDAI prior to issue. In other words one person cannot obtain two Aadhaar numbers. Aadhaar number can also be authenticated online, in case of any doubts.

15. That multiple Driving License, Bank Accounts, Ration Cards can be obtained by the same individual. Unlike these documents Aadhaar is issued at the national level after de-duplication. For example, one can have multiple bank accounts in same or different banks. One could have multiple driving licenses. Thus, use of such documents when presented by an individual cannot ensure detection of a prior LPG connection to that individual while issuing new connections. Thus, while the former documents cannot be used to establish the uniqueness of the individual, Aadhaar can be used for uniquely identifying an individual.

16. That although the database of LPG consumers have been digitized, OMCs have been unable to find the duplicate connections in the 14 crore LPG connections

due to lack of a unique identifier to identify an LPG customer in the LPG database and in view of the challenges of non-uniqueness associated with other documents as explained in para above.

17. That despite this lack of identifier such as Aadhaar, OMCs have in the past attempted to de-duplicate the LPG customer by matching only names and addresses, but have only met with partial success, as people often give names/addresses with different spellings/formats to escape detection by software comparison. This renders detection of duplicates nearly impossible. Further, such an approach requires massive computational effort. OMCs/NIC had to resort to the use of Supercomputer at C-DAC for detecting duplicates under this process. If this exercise were perhaps to be done at the national level it may be unworkable due to the unwieldy time/resource requirements.

18. That with the simple approach of matching name of consumer and address, only 6.3 million connections could be blocked in the past after a nationwide exercise

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in which OMCs had initially identified 2.5 crore suspect connections. As OMCs could not be sure whether they were "real" duplicates these consumers were first given a chance to prove their bona fides. All the suspect 2.5 crore consumers had to be mandated to complete the KYC exercise for the OMCs to be able to detect that 6.3 million were duplicates/fake/ghosts. This exercise involved a huge effort on part of OMCs of communication and Know Your Customer norms fulfillment extending over a period of almost an year.

19. That a unique number such as Aadhaar for every customer solves such practical problems in detecting duplicates, as comparison of numbers (which Aadhaar is) can be done easily with minimal computer resources and time. In contrast, with around 5 million Aadhaar numbers that were obtained from the pilot districts after the DBTL scheme, OMCs could easily find the duplicates in no time and at no inconvenience to genuine customers. OMCs have detected additional around 45000 duplicate connections based on Aadhaar. Thus, not only Aadhaar

based approach proved to be more efficient compared to name/address matching, it also saved time and effort and also did not inconvenience any genuine customers. As Aadhaar number is unique across the country, it enables OMCs to ensure that duplicate LPG connections are prevented when people migrate from one location to another.

20. Thus, mandatory use of Aadhaar for those consumers who wish to receive subsidy is the best way to detect and block duplicate existing LPG connections, effectively implement the LPG control order for future connections, check the malpractices of diversion in the LPG supply chain, thereby save precious public resources from being squandered.

21. Thus, under the DBTL scheme, MOPNG has mandated that Aadhaar number is required to be produced to the LPG distributor and the consumers' bank so that subsidy can be transferred directly into the bank account of the said consumer and ensures that no duplicate/ghost domestic LPG connections can be

obtained and subsidy is disbursed only to those who are entitled, are interested and as per their entitlement and there is no diversion of subsidized cylinders. This enables efficiency and transparency in subsidy administration by use of modern technological advances such as Aadhaar. The Government has instituted the safeguard of seeking Aadhaar in public interest while disbursing subsidy. It is part of establishing the authenticity of the claims of a benefit by an individual.

22. That to ensure that all consumers have sufficient time to do so, a "grace period" of three months from the date of launch of the scheme in the district is provided to all consumers who seek the subsidy in their bank accounts to obtain the Aadhar cards and give them time for "seeding" into the LPG and Bank databases. During the grace period the consumer who is unable to provide Aadhaar is entitled to obtain LPG cylinders at subsidized rates. After the grace period, all consumers have to buy cylinders at market price, but a consumer is entitled to receive the subsidy any time during the financial year

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after the grace period for balance entitlement when he submits the Aadhar number. The scheme has been notified for 289 districts so far and Information Education Campaign has commenced in all these districts. The grace period has begun in 97 districts. Of these, the grace period is already over in nineteen (19) districts.

23. That the DBTL scheme has been launched to ensure that the LPG consumers' entitlement is not diverted and to prevent leakage of LPG subsidy. The LPG subsidy amounted to Rupees Thirty Nine Thousand Five Hundred and Fifty Eight crores (Rs. 3,95,58,00,00,000) during the financial year 2012-13. The new system is an effective instrument to prevent diversion, double-benefit, falsification and leakage.

24. That the Aadhar generation in phase I (20 districts) is already over 96% thereby covering the bulk of the population in these districts and statistically would also cover bulk of LPG consumers. Massive Information Education Campaign is being carried out in all the districts and a complex implementation program has

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been put in place to implement the DBTL scheme. The response in the 20 districts has been very good.

25. That so far, over one crore (1,00,00,000) subsidy transfer transactions have been done to over 4.5 million LPG consumers amounting to Rupees Five Hundred Crores, (Rs. 500 crores). In phase I nineteen (19) districts where the grace period is over, approximately 77% LPG consumers have submitted their Aadhar numbers to the LPG distributors and 62% have given it both to LPG distributors and banks. The balance LPG consumers may enroll themselves in due course, when they will become eligible to receive the subsidy for balance entitlement during the financial year or may never come forward to enroll as they may not be interested in getting the subsidy or may just be duplicate/fake in which case may never enroll in the scheme.

26. That the preliminary beneficial effects are already visible in terms of detection of duplicate connections in same household with same Aadhaar numbers and

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reduction in off take of subsidized LPG in the DBTL districts. For example, the OMCs have detected around forty five thousand (45,000) duplicate connections on the basis of the Aadhar numbers submitted under the scheme so far. Once these duplicate connections are blocked, it would save the exchequer around Rupees Twenty Three crores (Rs. 23,00,00,000) per annum on the assumption that the entitlement of nine cylinders per annum is consumed and each cylinder incurs a subsidy of Rupees Five Hundred and Fifty Five and Fifty Five Paise (Rs. 555.55). Once the scope of the DBTL scheme expands to cover more districts, more such duplicate connections will be detected leading to higher savings of public money.

27. That it is respectfully submitted that keeping in mind the objectives for which the DBTL scheme has been launched and implemented and the necessity of the Aadhar card to ensure its implementation so that the desired goals are achieved, this Hon'ble Court may be pleased to clarify or modify its order dated 23.09.2013 to

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state that while no one may be denied domestic LPG cylinders at market rates in the absence of Aadhar cards, the Aadhar card may be allowed to be mandatorily sought as a pre-requisite for making subsidy payments as this will eminently serve public interest by eliminating diversion of subsidized cylinders into black market and prevent duplication, falsification and reduce subsidy burden on public exchequer.

28. That it is thus respectfully submitted that the balance of convenience is in favour of the applicant on the facts of the present case as indicated above. The mandatory requirement of Aadhaar for availing benefits under the DBTL scheme should be presumed to be constitutional and valid until otherwise shown. Irreparable harm could also be caused to the public interest if the present scheme is stayed or its implementation is hampered in any way for the reason that it makes the production of the Aadhar Card mandatory.

PRAYER

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It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to :-

- a) clarify or modify its order dated 23.09.2013 and permit the applicant to continue implementing the DBTL Scheme by requiring the beneficiaries to mandatorily produce the Aadhar card issued by the UIDAI in order to receive the subsidies in accordance with the scheme and
- b) pass such other and further orders as this Hon'ble Court may deem fit and proper.

Drawn by

ALOK PRASANNA KUMAR
Advocate

Filed by

[D.S. MEHRA]
Advocate for the Applicant

Filed on 17-10-13

New Delhi

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IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

I.A. No. of 2013

in

WRIT PETITION (CIVIL) No. 833 of 2013

IN THE MATTER OF:

ARUNA ROY & ANR

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

AND IN THE MATTER OF :

Union of India

Applicant

AFFIDAVIT

I, Rajesh Kukreti, S/o Late Shri S.N. Kukreti,
Under Secretary, Ministry of Petroleum and
Natural Gas, Shastri Bhawan, New Delhi, do
hereby solemnly affirm and state as under:-

1. That in my official capacity as mentioned
above I am well conversant with the facts and
circumstances of the case hence, I am competent
to swear this Affidavit.

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2. That I have gone through the contents of accompanying application for clarification/modification, the same has been drafted by my counsel under my instructions and I state that the contents thereof are true and correct.

3. That the Annexure is the true copy of its original.

Qu

DEPONENT

VERIFICATION

That the contents of the above paras are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 17th 4th day of October 2013.

Qu

DEPONENT

Annexure P-2

ITEM NO.1

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A

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RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY(RETD)& ANR Petitioner(s)

VERSUS

Dt - 26-11-2013

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions, stay, intervention,
clarification / modification of court's order, impleadment
and office report)

(For final disposal)

WITH W.P(C) NO. 829 of 2013

(With appln(s) for interim relief and impleadment and
office report)

(For final disposal)

W.P(C) NO. 932 of 2013

(With appln(s) for directions and office report)

W.P.(C) No. 833 of 2013

(With appln(s) for directions & impleadment & office
report)

(For final disposal)

T.C.(C) No. .../2013 @ T.P.(C) No. 47-48/2013 ,

(With appln(s) for stay and deletion of the name of
petitioner)

(For final disposal)

T.C.(C) No. /2013 @ T.C.(C) No. 476/2013

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(With appln(s) for stay)

(For final disposal)

Date: 26/11/2013 This Petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Soli J. Sorabjee, Sr. Adv.
Mr. Mehernaz Mehta, Adv.
Mr. Ankit, Adv.
Mr. Anil B. Diwan, Sr. Adv.
Mr. Ankit Goel, Adv.
Ms. Deepshikha Bharti, Adv.
Ms. Nachiketa Joshi, Adv.
M. Pattabhi Ram, Adv.
Mr. S.S. Shamsherya, Adv.
Mr. Nishant Katreswarkar, Adv.
Mr. Mehernaaz Mehta, Adv.
Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.
Mr. Mohit Chaudhary, Adv.
Ms. Varnika Singh, Adv.
Mr. Imran Ali, Adv.
Ms. Damani Chawla, Adv.
Mr. Harsh Sharma, Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.

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Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, adv.

Mr. Anuj Sarna, Adv.

Mr Nirman Sharma, Adv.

Mr. Abhinav Malhotra, Adv.

M/S. K.J. John & Co., Adv.

Mr. P.S. Narashima, Sr. Adv.

Mr. V. Mohana, Adv.

Mr. B. Raghunath, Adv.

Mr. S. Prasana, Adv.

Mr. Ishaan Geroge, Adv.

Mr. Vijay Kumar.

Ms. Aishwarya Bhati, Adv.

Mr. D.S. Mahra ,Adv.

Mr. P.R. Kovilan, Adv.

Mrs. Geetha Kovilan, Adv.

For Respondent(s) Mr. Mohan Parasaran, S.G.

Mr. Alok Kumar, Adv.

Mr. Alok Prassana, Adv.

Mr. Anupam Prasad, Adv.

Mr. D.S. Mahra, Adv.

Mr. Sunil Kumar, Sr. Adv.

Mr. Tapesk Kumar Singh ,Adv.

Mr. Mohd. Waquas, Adv.

Mr. Mohit D. Ram, Adv.

Ms. Madhvi Chaudary, Adv.

Mr. Vasv Anant Raman, Adv.

For Intervenors Mr. L. Nageshwara Rao, ASG
 Mr. Amit Meharia, Adv.
 Ms. Khushbu Jain, Adv.
 For M/s Meharia & Co., Adv.

Mr. Sai Krishna Rajgopal, Adv.
Ms. Julian George, Adv.
Mr. Nikhil Nayyar, Adv.
Ms. Pritha Srikumar Iyer, Adv.
Mr. Dhananjay Baijal, Adv.
Ms. Akanksha, Adv.

UPON hearing counsel the Court made the following

ORDER

After hearing the matter at length, we are of the view that all the States and Union Territories have to be impleaded as respondents to give effective directions. In view thereof notice be issued to all the States and Union Territories through standing counsel.

The advocates who have already entered appearance must file their replies within a period of three days from today. Learned standing counsel for the States who were not represented may take instructions from their respective States and file their response within one week.

List this matter for further hearing on 10th December, 2013.

Interim order to continue, in the meantime.

[Neeta]
Sr. P.A.

[M.S. Negi]
Court Master

/True typed copy/

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PHASE-II, BLOCK-III, FLAT NO.102-103, RMV II STAGE,
DEVINAGAR LOTTEGOLLAHALLI, BANGALORE-560094,
BANGALORE CITY we issue this notice as under :

1. That, our client, SHRI V.K. SOMASHEKHAR states that you have advertised in news papers at Bangalore asking people to enroll in the UIDAI scheme to avail LPG subsidy benefits.
2. That, our client states that you are aware that the Supreme Court has issued an interim order prohibiting you from denying any government welfare benefits to anyone on the grounds that they have not enrolled in the UID scheme.
3. That our client states that your advertisements state that to avail of LPG subsidy, which would be transferred to consumers' bank accounts, they would have enroll in the UID scheme and link their UID numbers to their bank accounts. The advertisements further state that those who do not enroll in the UID scheme would receive LPG cylinders at market prices.
4. That our client states that this is nothing but a devious way of trying to circumvent the Supreme

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Court's order and it amounts to contempt of the highest Court of our country.

You are hereby FINALLY called upon to place advertisements and inform the public that those who do not have UID numbers will receive LPG cylinders at the subsidized price and that they would continue to receive this benefit until and unless there is any change in the order of the Supreme Court within 3 days of receipt of this notice. You are also further called upon to apologize to those who have been misled into enrolling in the UID scheme by your earlier advertisements. The advertisements are to be placed in all the newspapers where misleading advertisements were placed. Any failure to comply with the terms of this notice, please be warned that our client would be constrained to prosecute you for contempt before the Supreme Court, of India which please note.

03.01.2014
BANGALORE

Sd/-
CHAITANYA.S.G, ADVOCATE
CHAITANYA & ASSOCIATES
ADVOCATES
No.88/C, 3rd Floor, 12th Cross,
Above Reliance Fresh Outlet,
Mahalakshmi Layout Main Road,
Bangalore-560 086, Ph. 080-23590091

/True typed copy/

Annexure P-5 (copy)

AISHWARYA BHATI

Advocate-on-Record
Supreme Court of India

Office : 18, Todar Mal Road, Bengali Market, New Delhi-110001
Chamber : 005, Supreme Court, Lawyer's Chambers, C.K. Daphtary Block,
Tilak Lane, Supreme Court of India, New Delhi -110001
Phones : 011-23711238(O); 011-23388669(O); 9350852003(M)
Fax : 01141525860
Email : aishwaryabhati@gmail.com

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Date: 06.01.2014

To

1. The Secretary,
Ministry of Petroleum & Natural Gas
A-Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi - 110001
2. The Chairperson,
Unique Identification Authority of India
Planning Commission
Government of India
3rd Floor, Tower II
Jeevan Bharati Building
Connaught Circus
New Delhi - 110001
3. The Chairperson,
Indian Oil Corporation Ltd,
Corporate Office,
3079/3, J B Tito Marg,
Sadiq Nagar, New Delhi - 110049
4. The Chairperson,
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan-II, 1st Floor,
4&6, Currimbhoy Road, Ballard Estate,
Mumbai 400 001
5. The Chairperson,
Hindustan Petroleum Corporation Ltd.,
Petroleum House,
17, Jamshedji Tata Road,
Mumbai, Maharashtra - 400020

LEGAL NOTICE

1. Under the instructions of my client, namely, Mathew Thomas, S/o Late Mr. T.P. John, R/o. No.18-A, Adarsh

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Vista, Basavanagar, Bangalore 560037, this legal notice is served on you for your immediate action.

2. My client states that you have advertised in Newspapers at Bangalore asking people to enroll in the UID scheme to avail LPG subsidy benefits. You are aware that the Hon'ble Supreme Court has issued an interim order prohibiting you from denying any Government Welfare Benefits to anyone on the grounds that they have not enrolled in the UID scheme.
3. Your advertisements state that to avail of LPG subsidy, which would be transferred to consumers' bank accounts, they would have enroll in the UID scheme and link their UID numbers to their bank accounts. The advertisements further state that those who do not enroll in the UID scheme would receive LPG cylinders at market prices.
4. This is nothing but a devious way of trying to circumvent the Hon'ble Supreme Court's order,
5. You are hereby called upon to immediately, within 3 days of receipt of this notice, to place advertisements of same size, colour and style to inform the public that those who do not have UID numbers will receive LPG cylinders at the subsidized price and that they would

continue to receive this benefit until and unless there is any change in the order of the Hon'ble Supreme Court.

6. You are also called upon to apologize to those who have been misled into enrolling in the UID scheme by your earlier advertisements. The advertisements are to be placed in all the newspapers where misleading advertisements were placed. Should you fail to comply with the terms of this notice please be warned that my client would be constrained to cite you for contempt before the Hon'ble Supreme Court at your risk and costs.



[MS AISHWARYA BHATI]
Advocate

POSTAL RECEIPTS

- ① Mr. Vivek Rae,
Secretary,
Ministry of Petroleum & Natural Gas
A-Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi - 110001
- ② Mr. Nandan Nilekani,
Chairman,
Unique Identification Authority of India
Planning Commission,
Government of India,
3rd Floor, Tower II,
Jeevan Bharati Building,
Connaught Circus, New Delhi - 110001
- ③ Mr. R.S. Butola,
Chairman,
Indian Oil Corporation Ltd,
Corporate Office,
3079/3, J B Tito Marg,
Sadiq Nagar, New Delhi - 110049
- ④ Mr. S. Varadarajan
Chairman,
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan-II, 1st Floor,
4&6, Currimbhoy Road, Ballard Estate,
Mumbai 400 001
- ⑤ Mr. S. Roy Choudhury,
Chairman,
Hindustan Petroleum Corporation Ltd
Petroleum House,
17, Jamshedji Tata Road,
Mumbai, Maharashtra - 400020

①

SP BENGALI MARKET (110001)
ED3088927936IN
Counter No:3, CP-Code:PHI
To: THE SECRETARY,
MO, PIN:110001
From: AISHWARYA BHATTI, MO
Wt: 15grams,
Amt: 17.00, 09/01/2014, 12:04



②

SP BENGALI MARKET (110001)
ED3088927940IN
Counter No:3, CP-Code:PHI
To: THE IDENTIFICATION,
MO, PIN:110001
From: AISHWARYA BHATTI, MO
Wt: 15grams,
Amt: 17.00, 09/01/2014, 12:04
Taxes: Rs. 2.00 (Track on www.indiapost.gov.in)



③

SP BENGALI MARKET (110001)
ED3088927953IN
Counter No:3, CP-Code:PHI
To: THE CHIEFPERSON, INDIAN OIL,
MO, PIN:110049
From: AISHWARYA BHATTI, MO



④

SP BENGALI MARKET (110001)
ED3088927948IN
Counter No:3, CP-Code:PHI
To: THE CHIEFPERSON, BHARAT PETROLIUM
MUMBAI, PIN:400001
From: AISHWARYA BHATTI, MO
Wt: 15grams,
Amt: 39.00, 09/01/2014, 12:03



⑤

SP BENGALI MARKET (110001)
ED3088927922IN
Counter No:3, CP-Code:PHI
To: THE CHIEFPERSON, HINDUSTAN PETROLIUM
MUMBAI, PIN:400020
From: AISHWARYA BHATTI, MO
Wt: 15grams,
Amt: 39.00, 09/01/2014, 12:03
Taxes: Rs. 4.00 (Track on www.indiapost.gov.in)



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ANNEXURE P-6

BHARAT PETROLEUM CORPORATION LTD.

A Govt. of India Enterprise

MKT: LG:8:CON

8th January 2014

To,

Shri Chaitanya S.G., Advocate,
Chaitanya & Associates,
Advocates,
No. 88/C, 3rd Floor, 12th Cross,
Above Reliance Fresh Outlet,
Mahalakshmi Layout Main Road,
Bangalore- 560 086.

Subject : Enrollment in the UIDAI scheme to avail
LPG subsidy benefits.

Dear Sir,

We refer to your letter ref: ADV-CSG/7-2014-15
dated 03.01.2014.

The Government of India has filled application in
the Supreme Court of India for clarification /
modification of order dated 23.09.2013 under article 142
of the Constitution of India.

In the application it is clarified that:

1. Retail consumers of LPG cylinders do not require
the Aadhaar card to purchase LPG cylinders from
the Oil Marketing Companies (OMCs) at market
prices. Only those who are seeking subsidy on
supply of market price cylinders (up to 9 cylinders
per annum) are required to link their Aadhaar
number (UID number) with the LPG Distributor and

their bank account to avail the subsidy in the districts where the DBTL is in force.

2. The DBTL scheme, by use of the Aadhaar number, which provides a unique identification for every individual, provides a foolproof mechanism to ensure that bogus connections are detected and denied subsidy. It also ensures that the sale of LPG happens at market prices, thereby preventing diversion but simultaneously allows for genuine consumers to avail of the subsidy in their bank accounts. This effectively prevents unscrupulous elements from diverting the public resources for illegal purposes and consequently reduces the subsidy burden on the exchequer.

In view of the above, the advertisements clearly state that "Domestic LPG is available at market price to all without Aadhaar.

Trust this clarifies.

Thanking you,

Yours faithfully,

For BHARAT PETROLEUM CORPORATION LTD.

Sd/-

George Paul

ED (LPG)

/True typed copy/